

WRIT PETITION No.1423 of 2018

ORDER:

This Writ Petition, under Article 226 of the Constitution of India, is filed seeking the following relief:

“... to issue an order or direction, more particularly in the nature of writ of mandamus declaring the action of the respondents in refusing constructing permission and approval for the construction of Building with stilt + 5 Upper Floors in respect of plot No.423 to the total extent of 642 Square yards in Survey No.44/ 1 of Matrusri co-operative house Building society Limited, Miyapur Village, Serilingampally Mandal, Ranga Reddy District vide shortfall letter No.Lr.NO.2/ WZO/ 17158/ 2017, dated 7-1-2018 as illegal, arbitrary, and contrary to the provisions of Greater Hyderabad Municipal Corporation act and issue a consequential direction directing the respondents to grant Building permission duly considering the application of the petitioner in reference File No.2/ WZO/ 17158/ 2017 dated 5-12-2017, and pass such other or orders....”

2. Heard learned counsel for the petitioner, learned Government Pleaders for Municipal Administration and Revenue and Sri Sampath Prabhakar Reddy, learned Standing Counsel, who offers to file vakalat for the Greater Hyderabad Municipal Corporation, Hyderabad.

3. At the hearing, it is submitted that the issue involved in this Writ Petition is squarely covered by the order, dated 15.03.2017, of this Court, in W.P.No.9035 of 2017.

4. Having regard to the facts and submissions and for the reasons alike as were mentioned in the afore-stated order, this Writ Petition is also disposed of directing respondent Nos.2 and 5 to consider the application of the petitioner for grant of building permission in the subject land within a period of eight (8) weeks from the date of

receipt of a copy of this order, subject to the petitioner satisfying the requirement of Section 428 of Greater Hyderabad Municipal Corporation Act, 1955 and after giving an undertaking that he would not claim equities or costs of the building construction, in the event L.G.C. has to be decided against him, without reference to the letter, dated 31.10.2013, of the Zonal Commissioner, Greater Hyderabad Municipal Corporation, Hyderabad. Office is directed to enclose a copy of the order, dated 15.03.2017, passed in W.P.No.9035 of 2017 to this order.

5. Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed. There shall be no order as to costs.

JUSTICE Dr. B.SIVA SANKARA RAO

Date: 22.01.2018

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